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LEGISLATIVE HISTORY

Public Law 283--79th Congress

Chapter 603--1st Session

S. 576

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DIGEST OF PUBLIC LAW 283

CLASSIFICATION ACT AMENDMENTS. Eliminates the 1-year time limit within which incumbents of positions covered into the classifies service may be recommended for classification.

INDEX AND SUMMARY OF HISTORY ON S. 576

February 19, 1945	Introduced by Mr. Downey and referred to the Senate Committee on Civil Service. Print of the bill as introduced.
September 13, 1945	Senate Committee reported S. 576 without amendment. Senate Report 561. Print of the bill as reported.
September 14, 1945	Discussed in Senate and passed without amendment.
September 17, 1945	Print of the bill as referred to the House Committee on Civil Service.
December 10, 1945	House Committee reported S. 576 with amendment. House Report 1351. Print of the bill as reported.
December 17, 1945	Discussed in the House and passed without amendment.
December 20, 1945	Senate agreed to House Committee amendment.
December 28, 1945	Approved. Public Law 283.

Feb.
19.

79TH CONGRESS
1ST SESSION

S. 576

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1945

Mr. DOWNEY introduced the following bill; which was read twice and referred to the Committee on Civil Service

A BILL

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That clause (1) of subsection (a) of section 2 of the Act
4 entitled "An Act extending the classified executive civil
5 service of the United States", approved November 26, 1940
6 (54 Stat. 1212), is amended to read as follows: "(1)
7 upon recommendation by the head of the agency concerned,
8 and upon certification by such head to the Civil Service
9 Commission that such incumbent has served with merit for
10 not less than six months immediately prior to the date such
11 office or position was covered into the classified civil
12 service;".

79TH CONGRESS
1ST SESSION

S. 576

A BILL

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

By Mr. DOWNEY

FEBRUARY 19, 1945

Read twice and referred to the Committee on Civil Service

Calendar No. 560

79TH CONGRESS, 1st Session | SENATE | REPORT No. 561

CLASSIFICATION OF INCUMBENTS OF POSITIONS COVERED INTO CLASSIFIED SERVICE UNDER ACT OF NOVEMBER 26, 1940

SEPTEMBER 13, 1945.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the following

REPORT

[To accompany S. 576]

The Committee on Civil Service, to whom was referred the bill (S. 576) to amend the act entitled "An Act extending the classified executive civil service of the United States," approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

Under the act of November 26, 1940, which authorized the President to cover certain positions into the classified civil service, incumbents of positions affected could acquire a classified civil-service status only upon recommendation by the head of the agency concerned within 1 year after the position is covered into the classified service, and certification to the Civil Service Commission within such period that the incumbent had served with merit for not less than 6 months immediately prior to the date the position was covered into the classified service, and upon passing a suitable noncompetitive examination.

In many cases where positions were covered into the classified service under this act, the agencies inadvertently failed to make the required recommendations and certifications within the time prescribed by the act, and as a result the incumbents of such positions were denied the opportunity to acquire a classified status by noncompetitive examination.

The provisions of S. 576 would merely amend the act of November 26, 1940, so as to eliminate the 1-year time limit and permit agencies to recommend and certify such employees for classification without

regard to the date on which their positions were covered into the classified service.

The following letter from the President of the Civil Service Commission recommends the enactment of his legislation:

UNITED STATES CIVIL SERVICE COMMISSION,
March 12, 1945.

Hon. SHERIDAN DOWNEY,
Chairman, Committee on Civil Service,
United States Senate.

DEAR SENATOR DOWNEY: I am pleased to comply with your request of February 22, 1945, for a report on S. 576, a copy of which you enclosed. The bill proposes to waive the time limit of 1 year (sec. 2a) for the submission of classification cases under the act of November 26, 1940, (54 Stat. 1212).

I find that we recommended such legislation in a letter addressed to you under date of December 30, 1943, the pertinent part of which reads as follows:

"Executive Order 8743 of April 23, 1941, issued under the authority of the act of November 26, 1940, became generally effective January 1, 1942, at which time the positions covered by the act were brought within the competitive classified service, except that as to positions affected thereby which became vacant at any time between June 30, 1941, and January 1, 1942, the order became effective when the vacancies first existed during that period.

"Beginning with November 1941 and up until the end of December 1942, agencies were continuously reminded of the dead line for submission of recommendations for classification under the Ramspeck Act. However, despite the reminders, many cases are coming to the attention of the Commission where, through no fault of their own, persons who had a status for recommendation for classification under one of the Executive orders issued pursuant to the act of November 26, 1940, were not so recommended. Failures to submit the recommendations were due in a number of instances, no doubt, to (*a*) transfer of personnel from agency to agency under the war service regulations which became effective March 16, 1942, regardless of their civil-service status, and (*b*) decentralization of personnel work in certain agencies, such as the War Department, which resulted in some instances at least in the work being placed in the hands of inexperienced employees.

"The Commission recommends the enactment of legislation eliminating the time limit within which an agency may recommend an employee for classification who met all the other requirements of the Ramspeck Act, or fix a final date 2 or 3 years in advance such as January 1, 1946, or 1947. The Commission has been advised by the Director of the Bureau of the Budget in response to its inquiry as to whether such a recommendation would be in accord with the President's policy that there would be no objection to the submission of such a recommendation to the House and Senate Civil Service Committees."

The bill as drafted, which eliminates the time limit, appears advisable in view of complications affecting personnel occurring during the war emergency. The enactment of this legislation is accordingly recommended.

I have been advised that the Director of the Bureau of the Budget has no objection to the presentation of this report to your committee.

By direction of the Commission.

Very sincerely,

HARRY B. MITCHELL, *President.*

○

Calendar No. 560

79TH CONGRESS
1ST SESSION

S. 576

[Report No. 561]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1945

Mr. DOWNEY introduced the following bill; which was read twice and referred to the Committee on Civil Service

SEPTEMBER 13, 1945

Reported, under authority of the order of the Senate of September 12, 1945, by Mr. DOWNEY, without amendment

A BILL

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

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3 That clause (1) of subsection (a) of section 2 of the Act
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5 service of the United States", approved November 26, 1940
6 (54 Stat. 1212), is amended to read as follows: "(1)
7 upon recommendation by the head of the agency concerned,

1 and upon certification by such head to the Civil Service
2 Commission that such incumbent has served with merit for
3 not less than six months immediately prior to the date such
4 office or position was covered into the classified civil
5 service;".

Calendar No. 560

79TH CONGRESS
1ST SESSION

S. 576

[Report No. 561]

A BILL

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

By Mr. DOWNEY

FEBRUARY 19, 1945

Read twice and referred to the Committee on Civil Service

SEPTEMBER 13, 1945

Reported without amendment

22. PERSONNEL. Sen. Downey, Calif., and others discussed S. Res. 172, and Sen. Downey stated "We are faced with such questions as how they are going to be supported, how they can find jobs, how they will be educated, how many of them will wish to go on farms"(p. 8737). (See item 20.)

Passed without amendment S. 102, to provide for counting military service of certain employees of the legislative branch in determining eligibility for civil-service status (pp. 8737-8). This bill was reported during recess (S. Rept. 560) (p. 8735).

Passed without amendment S. 576, to eliminate the 1-year time limit within which incumbents of positions covered into the classified service may be recommended for classification (p. 8738). This bill was reported during recess (S. Rept. 561) (p. 8735).

Passed without amendment S. 1036, to provide for payment of accumulated or accrued leave to certain members of the military service who enter or re-enter civilian U.S. employment (pp. 8738-9). This bill was reported during recess (S. Rept. 562) (p. 8735).

Passed with amendment S. 405, to amend the Civil Service Retirement Act so that an employee may elect to receive full credit for his military service towards retirement (p. 8739). This bill was reported during recess (S.Rept. 563) (p. 8735).

Passed with amendment H.R.3256, to amend the Civil Service Retirement Act in order to protect retirement rights of persons who leave the service to enter the armed forces (p. 8739) This bill was reported during recess (S.Rept.564) (p. 8735).

23. ADJOURNED until Tues., Sept. 18, 1945 (p. 8746).

ITEMS IN APPENDIX

Extension of remarks of

24. GOVERNMENT REORGANIZATION. Rep. Pittinger, Minn., urged reorganization in the executive branch and inserted a Washington Evening Star news item on Comptroller General Warren's testimony on this subject (pp. A4203-4).

25. MISSOURI VALLEY AUTHORITY. Sen. Murray, Mont., inserted a Union Farmer article and a letter by Dr. M.H. Garnsey (Univ. of Colo.) favoring an MVA (pp. A4189-90).

Rep. Barrett, Wyo., inserted a Mitchell (N.Dak.) Gazette editorial urging care in consideration of this project (p.A4204).

26. FARM PROGRAM. Extension of remarks of Sen. Guffey, Pa., on post-war farm production and including a Farmers Defender article "The Future of Farmers" (pp. A4188-9).

27. SURPLUS POTATOES. Sen. Brewster, Maine, inserted the potato-growers committee recommendations on the disposal of surplus supplies of white potatoes (p.A4183).

28. FOREIGN TRADE. Sen. Brewster, Maine, inserted Sen. Hart's (Conn.) address "Some Aspects of Foreign Commerce" (pp. A4184-5).

Extension of remarks of Rep. McDonough, Calif., urging establishment of a free port in the Los Angeles-Long Beach, Calif., area to further Central and South American trade (p. A4199).

29. UNEMPLOYMENT COMPENSATION. Sen. Tunnell, Del., inserted Sen. Guffey's (Pa.) address criticizing Governor Martin's (Pa.) opposition to unemployment compensation and aid to veterans through rehabilitation, education, maintenance and education (p. A4183).

BILLS INTRODUCED

30. CLAIMS. S. 1390, by Sen. Langer, N.Dak., to limit the time within which damage actions may be brought by the U.S. To Judiciary Committee. (pp. 8727-8.)

31. POTATO PRICES. S. 1396, by Sen. Brewster, Maine, to amend the AAAct of 1938, for the purpose of regulating interstate and foreign commerce in potatoes so as to provide an adequate and stable supply with fair prices for producers and consumers. To Agriculture and Forestry Committee. (p. 8728.)

32. PUBLIC LANDS. S. 1387, by Sen. Hatch, N.Mex., relative to the disposition of public lands situated in Okla. between the Cimarron base line and the north boundary of Tex. To Public Lands and Surveys Committee. Remarks of author. (p. 8728.)

H.R. 4065, by Rep. Bennett, Mo., to amend the act reorganizing the General Land Office. To Public Lands Committee. (p. 8760.)

33. EMPLOYMENT. S. 1389, to provide for returning to the Statesof the Employment Service facilities. To Education and Labor Committee. Remarks of author. (pp. 8728-9).

34. HEALTH. H.R. 4059, by Rep. Patterson, Calif., to provide for the general welfar by making more adequate provision for the health and welfare of mothers and children. To Labor Committee. (p. 8760.)

35. PERSONNEL. H.R.4069, by Rep. Rees, Kans., to provide for the protection of veterans and career-service employees in connection with reductions in force in the Federal service. To Civil Service Committee. (p. 8760.)(See item 2.)

36. WATER POLLUTION. H.R. 4070, by Rep. Spence, Ky., to provide for water-pollution-control activities in the U.S. Public Health Service. To Rivers and Harbors Committee. (p. 8760.)

37. TERMINATION OF WAR. H. Con. Res. 85, by Rep. Boren, Okla., declaring the date of the termination of hostilities of the present war. To Judiciary Committee. (p. 8760.)

COMMITTEE HEARINGS Released by G.P.O.

38. PUBLIC LANDS. Administration and use of public lands, pursuant to S.Res. 139. Pt. 14, Salt Lake City, Utah. Senate Public Lands and Survey's Committee.

39. VOCATIONAL EDUCATION. S. 619, to provide for vocational education and retrainin of youth and adults. Senate Education and Labor Committee.

40. PATENTS. Recording patent agreements and limiting patents to 20 years. H.R.2630 H.R. 2631, and H.R. 2632. House Patents Committee.

41. SURPLUS PROPERTY. H.R. 3907, to provide for administration of the Surplus Property Act of 1944 by a Surplus Property Administrator. House Expenditures in the Executive Departments Committee.

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

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COMMITTEE HEARINGS ANNOUNCEMENTS for Sept.17: S.Judiciary, Government reorganization (ex.);H.Appropriations, deficiency(ex.);H.Interstate,brand names and newsprint.

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BROOKS] on behalf of himself, the Senator from Virginia [Mr. BYRD], and the Senator from South Carolina [Mr. MAYBANK].

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The adoption of the amendment of the Senator from Illinois makes necessary a change in the title of the bill.

The title was amended so as to read: "A bill to authorize the permanent appointment in the grades of general of the Army, fleet admiral of the United States Navy, and general in the Marine Corps, respectively, of certain individuals who have served in such grades during the Second World War."

INVESTIGATION OF ECONOMIC QUESTIONS AFFECTING CERTAIN STATES

The resolution (S. Res. 172) to investigate certain economic questions in the Pacific Coast and Rocky Mountain States resulting from termination of the war was announced as next in order.

Mr. BILBO. Mr. President, I wish to ask the author of the resolution to explain it. I do not understand it. The proposal is to investigate the economic conditions resulting in a certain section of the country from the termination of the war. It strikes me that the economic conditions in several sections of the country need investigating. There must be some special reason why the proposed investigation is limited to only certain sections of the country, and I should like to know what the Senator who reported the bill has in mind.

Mr. DOWNEY. Mr. President, I may say to my friend the Senator from Mississippi that I do have particular conditions in mind. The title of the resolution as given in the calendar is somewhat misleading. The question to be considered affects approximately 325,000 civil-service employees in the State of California. Being from that State, of course, I am particularly interested. It happens that California has more civil-service employees than does any other State in the Union. Most of them will be displaced from their positions because of the end of the war. We desire to have a clear, factual understanding regarding how many of them are housewives and will go back to their homes, how many of them are citizens of other States and will go elsewhere, how many of them will go back to school, and how many of them will enter various other activities in our economic life.

The resolution also calls for investigation of the condition of our soldiers and sailors. I believe California, next to New York, will have the greatest number of soldiers returning to its borders. In addition, it appears that from 250,000 to 500,000 young soldiers and sailors will settle in California. We are faced with such questions as to how they are going to be supported, how they can find jobs, how they will be educated, how many of them will wish to go on farms.

Perhaps I might disarm the Senator from Mississippi by calling to his attention the fact that no funds are requested in the resolution providing for the investigation. What we desire to do by it is to obtain a clear, factual understanding of some very critical problems existing in the West between the Federal Government and the States, and I may say to the distinguished Senator from Mississippi that I merely limited it to the Western States because there would not be time to have a Nation-wide investigation, and of course it is in the West that our interests lie.

Mr. BILBO. Mr. President, I resent one insuation contained in the remarks of the Senator from California. He seemed to intimate that I was going to object to the measure because the investigation might involve an appropriation. In other words, his observation left the impression that I am picayunish. I am not. The title of the resolution seemed to imply that the section of the country from which the Senator came has as a result of the war economic conditions which require an investigation. I do not think that his section is different from Michigan, New York, Illinois, or, possibly, Mississippi. I merely wanted to know what was behind the resolution. If the Senator wants an investigation to be made, and conditions justify it, I am willing to vote for any amount of money which may be necessary to conduct the investigation.

Mr. REVERCOMB. Mr. President, this measure deals with only a few of the States of the Union. It does not, as I understand, call for any appropriation. It seems to me, however, that if such an investigation is justified, it should apply to all States and all sections. With that thought in mind, it is my opinion that the resolution should be given careful consideration rather than be adopted on the call of the calendar. I do not believe that a measure of this nature should be passed on the call of the calendar.

Mr. DOWNEY. Will the Senator withhold his objection?

Mr. REVERCOMB. I withhold the objection for the time being.

Mr. DOWNEY. I may say to the distinguished Senator from West Virginia that conditions are exceedingly critical in the State of California. So far as I am concerned, I would not want to head a committee to investigate national conditions because it would preempt all my time, and it would be impossible for me to give all my time to the work necessarily involved. But, as a Senator from California, and desiring to perform my duty, I believe it to be my duty to undertake this proposed investigation and ascertain the necessary facts looking toward the relief of conditions in the West. If the Senator from Michigan or the Senator from West Virginia desires an investigation to be made concerning his State of course it is perfectly proper for him to ask for it. I can conceive of no reason why any Senator would be particularly interested in objecting to the resolution. The various groups in California such as the veteran groups, the farm groups, civil-service groups, groups concerned with Japanese resettlement, and other groups concerned with serious questions, are anxious that this investigation should proceed at the earliest opportunity. Unless the distinguished Senator from West Virginia has some reason in mind for objecting to the investigation being held with regard to conditions in California, I would appreciate his acquiescing in action on the resolution.

Mr. REVERCOMB. I would certainly aid the Senator from California in calling the matter up for special consideration. I do not think the resolution is of a nature which warrants its being adopted on a call of the calendar without first giving to it proper consideration. Therefore, I feel that I must ask that it go over.

Mr. BILBO. Mr. President, I insist that the resolution be passed, considered, and acted upon. Only yesterday I received a telegram from San Pedro, Calif., as I recall, asking me to call on the Maritime Commission and secure the use of a vessel because 1,600 Negroes were ready to go to Africa and wanted immediate transportation. [Laughter.] There must be something wrong out there.

The PRESIDENT pro tempore. On objection, Senate Resolution 172 is passed over.

Mr. McCARRAN subsequently said: Mr. President, what action was taken by the Senate on Senate Resolution 172, Calendar No. 558?

The PRESIDENT pro tempore. It went over on objection by the Senator from West Virginia [Mr. REVERCOMB].

Mr. McCARRAN. I wish to give notice that if at any time that measure comes up I shall want to be heard and to object to it, because it is being covered entirely by another bill that is now before the Committee on Interstate Commerce.

INCLUSION OF MILITARY SERVICE IN DETERMINING CIVIL SERVCE STATUS OF CERTAN EMPLOYEES

The bill (S. 102) to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act was announced as next in order.

Mr. BILBO. Over.

Mr. DOWNEY. Mr. President, I should like to say to the distinguished Senator from Mississippi that there are on the calendar five bills dealing with the rights of returning soldiers to civil-service employment. Those bills were all reported by the Civil Service Committee unanimously. They are all supported by the various agencies of the Government interested in such matters, and they are also supported by the various veterans' organizations. I may say to the distinguished Senator that I believe a simple explanation would satisfy him as to the justice of the bills and the critical necessity of their passage. If the distinguished Senator wishes me to give an explanation of Senate bill 102 I shall be happy to explain it, and I believe the Senator will be convinced that the interests of the

veterans require that these bills be passed.

Mr. BILBO. Mr. President, I will accept the explanation of the Senator from California.

The PRESIDENT pro tempore. The Senator from California may proceed.

Mr. DOWNEY. Mr. President, Senate bill 102, which was introduced by the Senator from Ohio [Mr. TAFT], is designed to amend the present law under which any legislative employee in a Senator's office, or in the Congress itself, upon 4 years of service is entitled upon appropriate showing to be placed on the classified list.

The Taft bill provides that if an individual has had such legislative experience for 2 years, and has been in the military service for 2 years he may, by reason of that 4-year service—two in legislative employment and two in the Army—be preliminarily qualified to enter the classified service.

If the distinguished Senator has any objection to a veteran being given that right, of course, I would want him to object to the bill. If he thinks the veteran should be helped to the extent provided, I should appreciate his allowing the bill to be passed on the Consent Calendar. Already there are returning veterans who have had 2 or 3 years' legislative experience, who want to be transferred to the classified list, but who cannot be. If this bill were enacted, they could be.

Mr. BILBO. Mr. President, I offered my objection because Senate bill 102, introduced by the senior Senator from Ohio [Mr. TAFT] is not in my file, and I did not know what it was about. I merely objected in order that I might be informed what was in the bill. Sometimes I think the civil service covers too much territory. I have no objection to the bill.

Mr. REVERCOMB. Mr. President, will the Senator from California yield for any inquiry?

Mr. DOWNEY. Certainly.

Mr. REVERCOMB. I understand the bill under consideration merely gives the soldier who has been absent from the country, and absent from his job, credit for the time he has been in service.

Mr. DOWNEY. That is true, with this limitation: Presently in order to be transferred to the classified list, a person must have 4 years in the legislative service. If he has had 2 years in the legislative branch and 2 years in the military service, the bill would qualify him to be transferred.

Mr. REVERCOMB. It gives him credit for his military service?

Mr. DOWNEY. It does.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsection (b) of section 2 of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940 (54 Stat. 1212; U. S. C.; title 5, sec. 631 (b)), is amended by adding at the end of such subsection a new sentence as follows: "In the case of an individual who shall have held such a position in the legislative branch for at least 2 years and who shall have been separated from such position for the purpose of entering the military or naval service, such individual shall be deemed, for the purposes of this subsection, to have held such position during the period within which he shall have served in the military or naval forces."

COVERAGE INTO CIVIL SERVICE IN CERTAIN CASES

The Senate proceeded to consider the bill (S. 576) to amend the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification, which was read, as follows:

Be it enacted, etc., That clause (1) of subsection (a) of section 2 of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940 (54 Stat. 1212), is amended to read as follows: "(1) upon recommendation by the head of the agency concerned, and upon certification by such head to the Civil Service Commission that such incumbent has served with merit for not less than 6 months immediately prior to the date such office or position was covered into the classified civil service."

Mr. REVERCOMB. Mr. President, will not the Senator from California give us an explanation of the bill?

Mr. DOWNEY. Mr. President, under the civil-service laws, by Executive declaration certain positions could be covered into the classified civil service status. But that was only upon recommendation by the head of the agency concerned, within 1 year after the positions were covered into the classified service.

In certain cases the heads of agencies failed to carry out the mechanical and routine provisions by which Congress attempted to give to employees the right to be covered into the classified civil service lists. The pending bill gives such an employee the right to secure his position on the list. I shall read one paragraph from the report, which will perhaps make the matter plain:

The provisions of S. 576 would merely amend the act of November 26, 1940, so as to eliminate the 1-year time limit and permit agencies to recommend and certify such employees for classification without regard to the date on which their positions were covered into the classified service.

Do I make it clear?

Mr. REVERCOMB. Yes.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT FOR ACCUMULATED OR ACCRUED LEAVE TO CERTAIN MEMBERS OF THE MILITARY AND NAVAL FORCES

The Senate proceeded to consider the bill (S. 1036) to provide for the payment of accumulated or accrued leave to certain members of the military and naval forces of the United States, who enter or reenter civilian employment of the United States, its Territories or possessions, or of the District of Columbia, before the expiration of such leave, which was read, as follows:

Be it enacted, etc., That the act entitled "An act making provisions for payment of employees of the United States Government, its Territories or possessions, or the District of Columbia, for accumulated or accrued annual leave when ordered to active duty with the military or naval forces of the United States," approved August 1, 1941, as amended April 7, 1942 (56 Stat. 200), is further amended by adding at the end thereof a new section as follows:

"SEC. 2. (a) Any person, who, subsequent to May 1, 1940, shall have entered upon active service in the Army, Navy, Marine Corps, or Coast Guard, or in any of their respective components, may, while on terminal leave pending honorable discharge from or release from active duty in such service, enter or reenter employment of the United States Government, its Territories or possessions, or the District of Columbia (including any corporation created under authority of an act of Congress which is either wholly controlled or wholly owned by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), and, in addition to compensation for such employment, shall be entitled to receive pay and allowances from the armed forces for the unexpired portion of such terminal leave at the same rates and to the same extent as if he had not entered or reentered such employment.

"(b) Any such person who, prior to the date of enactment of this section, entered or reentered such employment without having used all accumulated and current accrued leave to which he would have been entitled as a result of such service had he not entered or reentered such employment, shall, upon application therefor filed with the Secretary of War or the Secretary of the Navy, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he would have been entitled while on terminal leave for the unused portion of such accumulated and current accrued leave had he not entered or reentered such employment."

Mr. CORDON. May we have an explanation of this bill, Mr. President?

Mr. DOWNEY. Mr. President, I am very glad to make an explanation. I can make the situation clearer by stating that in 1940, when we thought war was coming, Congress enacted a law by virtue of which a civil-service employee who had accrued annual leave, and was going into the military forces, could be on the military pay roll and the civilian pay roll at the same time. There is a general statute which forbids a person taking two salaries from the Federal Government at the same time. But Congress thought that, in view of the fact that civil-service employees were going into the Army, they should be entitled to draw from the Government their compensation during the time of their accrued leave, and at the same time receive military compensation.

In the pending bill we have the reverse of that situation. There are many men in the military service who, because of their duties, have had no leave. They may have 60 or 90 days' military leave coming to them. The bill would allow them to be paid for such leave, even though they have taken positions in civilian employment.

79TH CONGRESS
1ST SESSION

S. 576

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

AN ACT

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Dec.
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OFFICE OF BUDGET AND FINANCE 79th-1st, No. 218
Legislative Reports and Service Section

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 11, 1945, for actions of Monday, December 10, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House received conference reports on appropriation-rescission and UNRRA-appropriation bills. House committee reported bill to transfer Interior's fur-bearing animal activities to Agriculture. Sen. O'Daniel introduced bill to repeal Price Control Act.

HOUSE

1. APPROPRIATION-RESCISSION. Received the second conference report on H.R.4407 (pp. 11960-1). (No agricultural items included.) House conferees had been appointed earlier in the day (p. 11921).

2. UNRRA-APPROPRIATION BILL. Received the conference report on H.J.Res. 266, making additional appropriations for UNRRA (p. 11960). The reported bill provides that the recommendations, as contained in Rep. Herter's amendment favoring action to persuade recipients of UNRRA aid to agree to various matters (including publication of their trade and barter agreements), are not expressed as a limitation but as a request; and (2) that the "free-press" requirement be based on a request that the President facilitate admission of press and radio representatives to recipient countries (p. 11960).

3. ANIMAL INDUSTRY. The Agriculture Committee reported with amendment H.R.2114, to provide for the transfer to this Department of Government fur-bearing animal activities, which effect the breeding, etc., of such animals (H.Rept. 1346)(p. 11967).

4. PERSONNEL. The Civil Service Committee reported with amendment S. 405, to amend the Civil Service Retirement Act so that an employee may elect to receive full credit for his military service towards retirement (H.Rept. 1350), and S. 576, to eliminate the 1-year time limit within which incumbents of positions covered into the classified service may be recommended for classification (H.Rept. 1351) (p. 11968).

5. TRANSPORTATION. Passed, 277-45, as reported H.R.2536, the Bulwinkle bill to

authorize common carriers (including freight forwarders) to apply to the Inter state Commerce Commission for approval of agreements between carriers, author- ize the Commission to approve such agreements when in furtherance of the nat- ional transportation policy, grant anti-trust law relief with respect to makin and carrying out agreements approved by the Commission, and preclude approval of agreements between carriers of difference classes except those limited to matters relating to transportation (1) under joint rates or (2) over through routes (pp. 11931-60). Rep. Tarver, Ga., discussed the effect of this bill on freight rates of agricultural commodities (pp. 11939-44).

6. LABOR. Rep. Biemiller, Wis., spoke opposing the Arends bill, H.R. 3937, to repeal the War Labor Disputes Act and abolish the NLRB (pp. 11965-7).

7. EXPENDITURES. Rep. Rich, Pa., criticized Federal expenditures and the proposed loan to Great Britain (p. 11920).

SENATE

8. HEALTH. Began debate on S. 191, the Federal-aid-for-hospital-construction bill (pp. 11891-902, 11903-17).

9. SURPLUS PROPERTY; FARM MACHINERY. Sen. Langer, N. Dak., inserted a Slope Count (N.Dak.) Farmers Union petition urging that Government surplus farm machinery trucks, and tractors be released for farm and agricultural use (p. 11886).

10. MISSOURI VALLEY AUTHORITY. Agreed to Sen. Thomas' (Okla) request to extend the time to Mar. 15 for the Agriculture and Forestry Committee to report S. 555, the MVA bill (pp. 11902-3).

11. FARM PROGRAM. Sen. Capper, Kans., inserted the National Grange platform on agricultural problems (pp. 11888-9).

12. PRICE CONTROLS. Sen. Hickenlooper, Iowa, inserted a constituent's telegram urging investigation of the possibility of eliminating all price controls, except on sugar, fats, and rents (p. 11885).

13. HOUSING. Received a Racine (Wis.) Common Council petition favoring the Wagner-Ellender-Taft housing bill, S. 1592 (p. 11885).

14. FOREIGN LOANS. Sen. Langer, N.Dak., spoke opposing proposed loans to Great Britain (p. 11891).

15. NOMINATIONS. Confirmed the nominations of W.E. Lee and W. J. Patterson to be Interstate Commerce Commissioners (p. 11918).

BILLS INTRODUCED

16. PRICE CONTROL. S. 1676, by Sen. O'Daniel, Tex., to repeal the Emergency Price Control Act. To Banking and Currency Committee. Remarks of author (p.11887).

17. SURPLUS PROPERTY; VETERANS. H.R. 4931, by Rep. Doyle, Calif., to facilitate purchases of surplus property by veterans. To Expenditures in the Executive Departments Committee. (p. 11968)

18. ADMINISTRATIVE PROCEDURE. H.R. 4941, by Rep. Sumners, Tex., to improve the administration of justice by prescribing fair administrative procedures. To Judiciary Committee. (p. 11968.)

lons to instigate untimely strikes. These men pose as great agitators, blow up ordinary grievances into major issues—with the employer, of course, helping—condemn the union officials as milk-toast leaders, and inflame the men until they walk out. Then if this bill were law the union would lose its rights because of the employers' actions.

But such things would not happen, some of you say. I say they have happened and can happen again and again. I am not saying all employers would take such steps, but I am saying there is always a small percentage of employers who would welcome such an opportunity. And I am equally certain no fair-minded person, cognizant of the possibility, would want to vote for the Arends bill and thus indirectly sponsor this most vicious of all tactics of labor-management disputes.

And may I again remind you that with the carry-forward-carry-back provisions of the excess-profits tax still in operation next year, many employers do not care whether they operate all the time or not. What an opportunity the tax law plus the Arends bill would give the labor-hating employer to crush unions.

I have reserved for discussion the language in the proposed enactment pertaining to the no-strike provision. A straight construction of that language would render the section inoperative if the agreement did not contain a specific no-strike clause. It should be noted that the second sentence in the section which deals with damages applies regardless of whether or not the agreement contains a no-strike provision. But there are rules of law which permit courts to indulge in interpretation and construction of laws and to read into provisions "intent" and "implications." For instance, judges opposed to labor can very well read into the proposed law an implied no-strike pledge. Courts can very well say, and many of them will say, that the very fact an agreement was entered into governing wages, hours, and working conditions, constituted an implied agreement not to engage in stoppages of work, or to exercise other economic pressure during the life of the agreement. In other words, the agreement itself is a no-strike pledge.

Not until the Supreme Court of the United States will have construed the law will we know definitely whether the provision proposed by the House Military Affairs Committee is applicable only to those agreements which contain a specific no-strike pledge. From the foregoing, it will be observed that the provision is not only dangerous to the rights of labor, but it may destroy the very existence of trade unions.

Mr. Speaker, I do not believe a bill more vicious in intent, more prejudicial in effect, more repugnant to American principles has ever been brought on the floor of the House.

It destroys our basic American concept that government should not take sides in labor-management disputes. It clearly favors the most unscrupulous of employers and discriminates against labor unions. It violates the Bill of Rights. It is a big stride on the road toward repressive governmental control of all economic groups, be they employers, labor, or farmers.

I sincerely hope that tomorrow this House will vote this bill the death sentence it so richly deserves. I hope we will never again be called upon to take action on a measure brought before us in a manner so devious, by those who hate labor. I hope that labor legislation brought before us in the future will be properly presented, and fairly considered in committee. I hope that any further legislation will come up at a time when passions are not heated and when we can calmly recognize that labor-management relations are human relations, and that cooperation will obtain much greater results than repression.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, permission was heretofore granted me to speak for 10 minutes today. I ask unanimous consent that this special order be transferred to tomorrow.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

FOREIGN SERVICE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include a copy of a broadcast by Col. Albert L. Warner regarding General Hurley's resignation and the vital importance of developing an adequate foreign service.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix of today's RECORD.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MURDOCK, for 10 days, on account of official business.

To Mr. MALONEY, for 10 days, on account of official business.

To Mr. KEARNEY (at the request of Mr. MARTIN of Massachusetts) indefinitely, on account of illness.

To Mr. LARCADE, for 5 days, on account of official business attending flood control meeting in New Orleans.

To Mrs. DOUGLAS of California, for 4 days, on account of official business.

EXTENSION OF REMARKS

Mr. GORE asked and was given permission to revise and extend his remarks.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S. 1610. An act to provide for the rehabilitation of the Philippine Islands, and for other purposes; to the Committee on Insular Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 119. A joint resolution to provide for national elections in the Philippine Islands.

ADJOURNMENT

Mr. PATRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House adjourned until tomorrow, Tuesday, December 11, 1945, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INVALID PENSIONS

(Tuesday, December 11, 1945)

The Committee on Invalid Pensions will have an executive meeting on Tuesday, December 11, 1945, at 10:30 a. m., in room 247, Old House Office Building.

COMMITTEE ON THE JUDICIARY

(Tuesday, December 11, 1945)

The Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary will continue hearings to begin at 10 a. m. on Tuesday, December 11, 1945, on the bill (H. R. 4779) to enable debtor railroad corporations whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 452. Resolution providing for the consideration of H. R. 4199 to extend the existing contributory system of retirement benefits to elective officers of the United States and heads of executive departments; without amendment (Rept. No. 1344). Referred to the House Calendar.

[Omitted from the Record of December 7, 1945.]

Mr. GRANGER: Committee on Agriculture. H. R. 2115. A bill relating to the domestic raising of fur-bearing animals; with amendment (Rept. No. 1346). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEAVER: Committee on the Judiciary: H. R. 4230. A bill to provide necessary officers and employees for circuit courts of appeals and district courts; without amendment (Rept. No. 1347). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLOOM: Committee on Foreign Affairs. House Concurrent Resolution 75. Concurrent resolution inviting the United Nations to locate seat of government in the United States; without amendment (Rept. No. 1348). Referred to the House Calendar.

Mr. RAMSPECK: Committee on the Civil Service. S. 102. An act to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States", approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act; without amendment (Rept. No. 1349). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAMSPECK: Committee on the Civil Service. S. 405. An act to amend further the Civil Service Retirement Act approved May 29, 1930, as amended; with amendment (Rept. No. 1350). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAMSPECK: Committee on the Civil Service. S. 576. An act to amend the act entitled "An act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification; with amendment (Rept. No. 1351). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 4587. A bill to provide for the appointment of additional commissioned officers in the Regular Army and for other purposes; with amendment (Rept. No. 1352). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 1354. An act to authorize the permanent appointment in the grades of General of the Army, Fleet Admiral of the United States Navy, and general in the Marine Corps, respectively, of certain individuals who have served in such grades during the Second World War; with amendment (Rept. No. 1353). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODRUM of Virginia: Select Committee on Postwar Military Policy submits its final report pursuant to House Resolution 465 (79th Cong., 1st sess.) (Rept. No. 1356). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4861) granting a pension to James Thomas Lanpher; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 4865) granting an increase of pension to Frank A. Klein; committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOYLE:

H. R. 4931. A bill to facilitate purchases of surplus property by veterans; to the Committee on Expenditures in the Executive Departments.

By Mr. MURDOCK:

H. R. 4932. A bill to amend section 9 of the Boulder Canyon Project Act, approved December 21, 1928; to the Committee on Irrigation and Reclamation.

H. R. 4933. A bill to provide for the establishment of a national monument at Travertine Bridge, Gila County, Ariz.; to the Committee on the Public Lands.

By Mr. HOFFMAN:

H. R. 4934. A bill to amend the National Labor Relations Act of July 5, 1935, as amended; to the Committee on Labor.

H. R. 4935. A bill to amend section 6 of an act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation" (48 Stat. 980; title 18, sec. 420 (d), U. S. C.); to the Committee on the Judiciary.

H. R. 4936. A bill to amend the National Labor Relations Act of July 5, 1935, as amended; to the Committee on Labor.

H. R. 4937. A bill to amend the National Labor Relations Act of July 5, 1935, as amended; to the Committee on Labor.

By Mr. McGEHEE:

H. R. 4938. A bill to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities; to the Committee on Claims.

By Mr. McDONOUGH:

H. R. 4939. A bill relating to the promotion and pay of retired Army officers; to the Committee on Military Affairs.

By Mrs. WOODHOUSE:

H. R. 4940. A bill granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Old Saybrook, Conn.; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMNERS of Texas:

H. R. 4941. A bill to improve the administration of justice by prescribing fair administrative procedure; to the Committee on the Judiciary.

By Mr. WEISS:

H. J. Res. 286. Joint resolution to develop and maintain a program of physical fitness for American youth and to provide jobs for war veterans; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DWORSHAK:

H. R. 4942. A bill for the relief of Stanley C. Blattner and Vivian C. Blattner; to the Committee on Claims.

By Mr. GEARHART:

H. R. 4943. A bill for the relief of Fred A. Gottlieb; to the Committee on Claims.

By Mr. KING:

H. R. 4944. A bill for the relief of Gail E. Plinkett; to the Committee on Pensions.

H. R. 4945. A bill for the relief of the estate of Roman D. Sepulveda; to the Committee on Claims.

H. R. 4946. A bill for the relief of Alvin G. Patton; to the Committee on Claims.

By Mr. JENSEN:

H. R. 4947. A bill for the relief of Ethel Guenther; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 4948. A bill for the relief of Herbert C. Rockwell; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1390. By Mr. KING: Resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., on Tuesday, October 30, 1945, relative to proposal for naval academy on the Pacific coast; to the Committee on Naval Affairs.

1391. Also petition to the Congress of the United States and the Federal Communications Commission, deploring the failure of many American broadcasting stations to perform properly the public service to which they are pledged; and deploring the excessive profits of many licensees, made at the expense of public service on licenses granted by the people; to the Committee on Interstate and Foreign Commerce.

1392. By The SPEAKER: Petition of director, American Civil Liberties Union, petitioning consideration of its resolution with reference to opposition to H. R. 3937; to the Committee on Military Affairs.

1393. Also, petition of Local 75, UAW-CIO, petitioning consideration of its resolution with reference to returning veterans to the United States; to the Committee on Military Affairs.

79th Congress } HOUSE OF REPRESENTATIVES { Report
1st Session } { No. 1351

AMENDING CLASSIFIED EXECUTIVE CIVIL SERVICE ACT

December 10, 1945.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Ramspeck, from the Committee on the Civil Service, submitted the following

REPORT

[To accompany S. 576]

The Committee on the Civil Service, to whom was referred the bill (S. 576) to amend the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, passed by the Senate under date of September 14, 1945, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 7, strike out all of line 7 and insert "Upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent".

Page 2, line 1, strike out all of line 1.

Page 2, line 2, strike out the word "Commission".

GENERAL STATEMENT

The purpose of this bill is to eliminate the time limit within which incumbents of positions covered into the classified civil service pursuant to the act of November 26, 1940, may be recommended for classification.

The situation is more fully explained in the following excerpt from a report on this bill by the Civil Service Commission as follows:

> Executive Order 8743 of April 23, 1941, issued under the authority of the act of November 26, 1940, became generally effective January 1, 1942, at which time the positions covered by the act were brought within the competitive classified service, except that as to positions affected thereby which became vacant at any time between June 30, 1941, and January 1, 1942 the order become effective when the vacancies first existed during that period.

Beginning with November 1941 and up until the end of December 1942, agencies were continuously reminded of the deadline for submission of recommendation for classification under the Ramspeck Act.

However, despite the reminders, many cases are coming to the attention of the Commission where, through no fault of their own, persons who had a status for recommendation for classification under one of the Executive orders issued pursuant to the act of November 26, 1940, were not so recommended. Failures to submit the recommendations were due in a number of instances, no doubt, to (*a*) transfer of personnel from agency to agency under the War Service Regulations which became effective March 16, 1942, regardless of their civil-service status and (*b*) decentralization of personnel work in certain agencies, such as the War Department, which resulted in some instances at least in the work being placed in the hands of inexperienced employees.

The Commission recommends the enactment of legislation eliminating the time limit within which an agency may recommend an employee for classification who met all the other requirements of the Ramspeck Act, or fix a final date 2 or 3 years in advance such as January 1, 1946 or 1947. The Commission has been advised by the Director of the Bureau of the Budget in response to its inquiry as to whether such a recommendation would be in accord with the President's policy that there would be no objection to the submission of such a recommendation to the House and Senate Civil Service Committees.

The bill as drafted, which eliminates the time limit, appears advisable in view of complications affecting personnel occurring during the war emergency. The enactment of this legislation is accordingly recommended.

Your committee finds that in some instances both the functions of and the agency in which certain employees who would be entitled to classification in accordance with the act of November 26, 1940, have been abolished. It is, therefore, believed that the classification of an employee should be based upon his personal record rather than upon the recommendation of someone having no knowledge of his previous service.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the act extending the classified executive civil service of the United States, approved November 26, 1940 are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SEC. 2. (a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 1 of this Act shall not thereby acquire a classified civil-service status, except [(1) upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service;] *(1) Upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service;* and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: *Provided,* That any such incumbent shall be given only one such noncompetitive examination: *Provided further,* That any such incumbent who fails to pass the noncompetitive examination provided in his case shall be separated from the service not later than six months after the Commission advises the appointing officer that such employee has failed.

O

Union Calendar No. 412

79TH CONGRESS
1ST SESSION

S. 576

[Report No. 1351]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

DECEMBER 10, 1945

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of subsection (a) of section 2 of the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940 (54 Stat. 1212), is amended to read as follows: "(1) ~~upon recommendation by the head of the agency concerned,~~

1 ~~and upon certification by such head to the Civil Service~~
2 ~~Commission~~ *upon a finding by the Civil Service Commission*
3 *on the basis of the personal record of the incumbent* that such
4 incumbent has served with merit for not less than six months
5 immediately prior to the date such office or position was
6 covered into the classified civil service;".

Passed the Senate September 14 (legislative day, September 10), 1945.

Attest: LESLIE L. BIFFLE,
Secretary.

By JOHN C. CROCKETT,
Chief Clerk.

Union Calendar No. 412

79TH CONGRESS
1ST SESSION

S. 576

[Report No. 1351]

AN ACT

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

DECEMBER 10, 1945

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Dec.
17.

OFFICE OF BUDGET AND FINANCE 79th-1st, No. 224
Legislative Reports and Service Section

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 18, 1945, for actions of Monday, December 17, 1945)

(For staff of the Department only)

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HIGHLIGHTS: House conferees appointed on 1st deficiency and full-employment bills. House passed bill to permit postponement of crop reports. House committee reported bill to liquidate rural-rehabilitation projects. House received conference report on bill to liberalize GI loans. Senate debated Federal pay and UNRRA authorization bills. President approved UNRRA-appropriation measure.

HOUSE

1. FIRST DEFICIENCY APPROPRIATION BILL, 1946. Reps. Cannon, Woodrum, Ludlow, Snyder, O'Neal, Rabaut, Johnson, Taber, Wigglesworth, Dirksen, and Engel were appointed conferees on this bill, H.R.4805 (p. 12385). Senate conferees were appointed Dec. 15.

2. FULL EMPLOYMENT BILL. Reps. Manasco, Cochran, Whittington, Hoffman, and Bender were appointed conferees on this bill, S. 380 (p. 12380). Senate conferees were appointed Dec. 15.

3. GI BILL AMENDMENTS. Received the second conference report on this bill, H.R. 3749 (pp. 12380-5). As reported the bill increases to 10 years the time within which applications may be made for loans and provides that such applications be approved in advance by the Veterans' Administration; limits amortization on real estate loans to 25 years, except in the case of farm realty which shall be 40 years; and eliminates requirement for review of proposed regulations by the Senate Finance and House World War Veterans' Legislation Committees. (For other items see Digest 197.)

4. COTTON STATISTICS. Passed without amendment H.R.4769, to permit postponement of crop reports when issue date falls on a non-work day (p. 12387).

5. RURAL REHABILITATION. The Agriculture Committee reported with amendments H.R. 2501, to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects (H.Rep.1453)(p. 12413).

6. FUR-BEARING ANIMALS. Passed over, on objection of Rep. Cole, N.Y., H.R. 2115, to transfer fur-bearing animal activities to this Department (p. 12389).

7. HOUSING; VETERANS. The Rules Committee reported a resolution for the consideration of S.J.Res. 122, to authorize additional appropriations to provide housing for veterans (p. 12385).

8. FORESTRY. Concurred in the Senate amendment to H.R.608, to exclude certain land in Deschutes County, Oreg., from the provisions of R.S. 2319-37 so as to provide recreational areas (p. 12385). This bill will now be sent to the President.

9. PUBLIC LANDS. The Agriculture Committee reported without amendment H.R.4319, to transfer FSA land and property in Limestone County to Tex. (H.Rept. 1454) (p. 12413).

10. PERSONNEL. Passed as reported S. 405, to amend the Civil Service Retirement Act so as to provide that an employee may elect to receive full credit for his military service toward retirement (pp. 12389-90).

Passed over, at the request of Rep. Cole, N.Y., S. 102, to provide for counting military service of certain Legislative-Branch employees in determining eligibility for civil-service status under the Civil Service Classification Act (p. 12389).

Passed as reported S. 576, to eliminate the 1-year time limit within which incumbents of positions covered into the classified service may be recommended for classification (p. 12390).

Passed over, on objection of Rep. Barden, N.C., H.R. 1118, to amend the Hatch Act so as to authorize CSC to determine penalties for violation of such Act (p. 12390).

Received CSC's draft of proposed legislation to grant additional basic authority to CSC. To Civil Service Committee. (p. 12412.)

Received CSC's draft of proposed legislation to amend the "Act to prevent purchase and sale of public office." To Judiciary Committee. (p. 12413.)

11. UNO BILL. The Rules Committee reported a resolution for the consideration of this bill, S. 1580 (p. 12401). Rep. Stewart, Okla., spoke commending the SCS programs and their international importance (pp. 12405-7).

12. FEDERAL TRADE COMMISSION. Received FTC's report on resale price maintenance. To Interstate and Foreign Commerce Committee. (p. 12412.)

13. SURPLUS PROPERTY. Received State Department's draft of proposed legislation to amend the Surplus Property Act to designate that Department as disposal agency for surplus property outside the continental U.S. To Expenditures in the Executive Departments Committee. (p. 12412.)

14. CLAIMS. Passed over on objection of Rep. Cole, N.Y., H.R. 181, to provide for adjustment of certain tort claims against the U.S. and confer jurisdiction in respect thereto on U.S. district courts (p. 12387).

15. RECLAMATION. Passed without amendment H.R. 1689, to authorize Interior to purchase improvements or pay damages for removal of improvements on U.S. lands on the Boise Reclamation Project (p. 12389).

SENATE

16. FEDERAL PAY BILL. Continued debate on this bill, S. 1415, to increase Federal salaries by 20% (pp. 12321-4, 12327-30). Sen. Downey, Calif., compared present Federal salaries with the increased cost of living.

17. UNRRA AUTHORIZATION. Began debate on H.R. 4649, to increase the appropriation authorization for UNRRA by $1,350,000,000 (pp. 12335-44).

This bill, Mr. Speaker, House Joint Resolution 265, has been unanimously reported by the Rivers and Harbors Committee of the House, after full discussion. It amends existing law relating to improvement of rivers and harbors, so that projects authorized by Congress may receive an appropriation from Congress and the War Department engineers then proceed with the work at an appropriate time. I wish the gentlemen who are raising questions had an opportunity to examine Public Law 14, Seventy-ninth Congress, approved March 2, 1945. This law authorizes completion of many rivers and harbors projects as well as the construction of new projects. It contains a section which says, however, that the Appropriations Committee cannot appropriate money for any of these projects and none of them can be constructed until 6 months after the termination of the war, which was in progress on March 2, 1945. This pending bill, House Joint Resolution 265, eliminates the above requirements about the termination of the war. That is all there is to it.

Now is the time to get ready for our internal improvements and to make it possible to provide jobs for returning soldiers who will be looking for this kind of work. So far as construction of public highways is concerned, that legislation had this same stipulation requiring everything to wait until 6 months after the war was officially declared terminated. We have already amended highway-construction legislation so as to eliminate this 6-month requirement. This pending measure ought to pass the House this afternoon, and I am sure that if my colleagues have a chance to study the hearings before the Rivers and Harbors Committee of the House of Representatives that they will not object to its passage.

Mr. RICH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANDERSON RANCH RESERVOIR SITE, BOISE RECLAMATION PROJECT, IDAHO

The Clerk called the bill (H. R. 1689) authorizing the Secretary of the Interior to purchase improvements or pay damages for removal of improvements located on public lands of the United States in the Anderson Ranch Reservoir site, Boise reclamation project, Idaho.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to purchase improvements located on public lands of the United States within the boundaries of the Anderson Ranch Reservoir, Boise reclamation project, Idaho, or to make payment for damages for the removal of improvements from the public lands of the United States within the boundaries of said reservoir. Any funds appropriated for the construction of the Anderson Ranch Reservoir, Boise reclamation project, Idaho, shall be available for such purchase or payment of damages. Payments may be made pursuant to this act to persons, firms, or corporations who shall establish to the satisfaction of the Secretary of the Interior that they are entitled equitably to receive the same, and who sign contracts and vouchers for the same upon forms approved by the Secretary of the Interior: *Provided*, That amounts so paid shall not exceed the reasonable value, in the judgment of the Secretary of the Interior, of the improvements purchased or the actual damages (not exceeding in any event the reasonable value of the said improvements, as determined by the Secretary of the Interior) found by the Secretary of the Interior to have been sustained as a result of the removal of said improvements, as the case may be.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOMESTIC RAISING OF FUR-BEARING ANIMALS

The Clerk called the bill (H. R. 2115) relating to the domestic raising of fur-bearing animals.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, this bill seeks to do a bit of reorganization in the executive departments by transferring certain activities in connection with the raising of rabbits from the Secretary of the Interior to the Secretary of Agriculture. In view of the fact that the Congress has just given the President authority to make all sorts of reorganizations in the departments, it should be done by the President and not by legislation. Therefore, I object.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman reserve his objection?

Mr. COLE of New York. I reserve the right of objection.

Mr. VOORHIS of California. Mr. Speaker, the purpose of this bill is very simple. It has been asked for universally by the farmers involved. Many thousands of farmers in the country raise these fur-bearing animals, one of which is domestic rabbits, and other fur-bearing animals. All Government contacts with them are handled through the Fish and Wildlife Service. The operations are purely domestic agriculture. The animals are domestic animals. All this bill seeks to do is to put that farming operation in the Department of Agriculture. The only objection comes from the department that will lose jurisdiction. The case is absolutely clear.

Mr. COLE of New York. Let me ask the gentleman whether this transfer from the Department of the Interior to the Department of Agriculture cannot be done by Executive order?

Mr. VOORHIS of California. Theoretically, it could, but what is the matter with the Congress using its own head in something like this? It is much more difficult for the Executive to take something away from a department than it is for us. When we have a case that is as clear as this one, it seems to me we ought to act.

This has already been approved by the Senate Committee on Agriculture and the House Committee on Agriculture.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I object.

OFFICERS AND EMPLOYEES FOR CIRCUIT COURTS OF APPEALS AND DISTRICT COURTS

The Clerk called the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OF CLASSIFIED EXECUTIVE CIVIL SERVICE ACT

The Clerk called the bill (S. 102) to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, I do so to call attention to the fact that the report covering this bill does not comply with the rules of the House, in particular section 2 (a) of rule 23.

I therefore ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930

The Clerk called the bill (S. 405) to amend further the Civil Service Retirement Act (approved May 29, 1930, as amended.

Mr. RICH. Mr. Speaker, reserving the right to object, may we have this bill explained?

Mr. LAFOLLETTE. Mr. Speaker, this is a bill that came from the Senate Committee on the Civil Service to the House Committee on the Civil Service. It is designed to extend to men who left the classified service to enter the armed forces the same privilege they would have, had they transferred to civilian employment and then come back into civil service.

The House committee struck out the very bad provision of the Senate act which would have permitted the person to come back and be given credit under the Retirement Act for his military pay. In other words, there would have been much greater advantage to the man who was a major compared to the man who was a private. We struck that out, and the bill in its present form is simply a bill that treats all alike in the matter of credit for military service.

Mr. RICH. It puts them back into civil service where they were before they left?

Mr. LAFOLLETTE. Exactly.

Mr. RICH. That is required of industry. It is a good thing to be required of government. I do not see why we need legislation to do a simple thing like that.

Mr. LAFOLLETTE. The fact is, we need it, however.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this act, all periods of separation from the service, and so much of any leaves of absence as may exceed 6 months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute: *Provided*, That an employee may, at his option, receive full credit for all such military or naval service, without deposit, in lieu of the leave credit accorded herein, without reduction in annuity benefits."

With the following committee amendment:

On page 2, line 7, after the word "substitute", change the colon to a period and strike out the balance of the bill.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDED CLASSIFIED EXECUTIVE CIVIL SERVICE ACT

The Clerk called the bill (S. 576) to amend the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That clause (1) of subsection (a) of section 2 of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940 (54 Stat. 1212), is amended to read as follows: "(1) upon recommendation by the head of the agency concerned, and upon certification by such head to the Civil Service Commission that such incumbent has served with merit for not less than 6 months immediately prior to the date such office or position was covered into the classified civil service;".

With the following committee amendments:

Page 1, line 7, strike out all of line 7 and insert "Upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent."

Page 2, line 1, strike out all of line 1.

Page 2, line 2, strike out the word "Commission."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AMEND THE HATCH ACT

The Clerk called the bill (H. R. 1118) to amend the Hatch Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DONDERO. Mr. Speaker, reserving the right to object, will the author of the bill make some explanation of its purpose.

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. HOBBS. Mr. Speaker, will the gentleman withhold that request for a moment?

Mr. BARDEN. Yes; to permit the gentleman to make a brief statement.

Mr. HOBBS. Mr. Speaker, reserving the right to object, a letter set forth in the report shows the purpose of the amendment which is to give the Civil Service Commission in its discretion in enforcing the Hatch Act——

Mr. BARDEN. Mr. Speaker, will the gentleman yield at that point?

Mr. HOBBS. Of course, I am glad to yield.

Mr. BARDEN. If I understand this bill correctly, it gives the Civil Service Commission judicial authority, or rather the authority to impose fines on employees.

Mr. HOBBS That is not the purpose exactly.

Mr. BARDEN. Is not that exactly what it does? If it finds that the offense committed does not justify discharging the employee it can assess fines against the employee up to a certain amount.

Mr. HOBBS. That is right, instead of requiring them to impose the supreme penalty which is equivalent to a much higher fine.

Mr. BARDEN. Mr. Speaker, the bill going that far, I object to its consideration.

RELIEF OF CERTAIN SETTLERS OF KETCHUM, IDAHO

The Clerk called the bill (S. 832) to amend the act entitled "An act for the relief of certain settlers in the town site of Ketchum, Idaho," approved July 11, 1940, so as to extend for 3 years the time for making application for benefits thereunder.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the act entitled "An act for the relief of certain settlers in the town site of Ketchum, Idaho", approved July 11, 1940, is amended by striking out the words "3 years" and inserting in lieu thereof the words "6 years.".

The bill was ordered to be read a third time; was read the third time and passed, and a motion to reconsider laid on the table.

AUTHORIZING STATE OF TENNESSEE TO CONVEY RAILROAD RIGHT-OF-WAY THROUGH MONTGOMERY BELL PARK

The Clerk called the bill (S. 1366) to authorize the State of Tennessee to convey a railroad right-of-way through Montgomery Bell Park.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the State of Tennessee is hereby authorized and empowered to convey a right-of-way for railroad purposes, not in excess of 100 feet in width, to the Nashville, Chattanooga & St. Louis Railway over, through, and across the Montgomery Bell Park in Dickson County, Tenn. previously known as the Montgomery Bell recreational demonstration area), notwithstanding the express condition contained in deed dated May 25, 1943, from the United States of America to the State of Tennessee, which deed was executed pursuant to the act of June 6, 1942 (56 Stat. 326), entitled "An act to authorize the disposition of recreational demonstration projects and for other purposes." Such conveyance by the State of Tennessee shall not be deemed a breach of the express condition that the State of Tennessee should use the said property exclusively for public park, recreational, and conservation purposes. The State of Tennessee is authorized to expend funds received as a consideration for such conveyance for the acquisition of additional land needed to round out the Montgomery Bell Park area.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUANCE TO THE END OF JUNE 1946 OF THE NAVY'S V-12 PROGRAM

Mr. VINSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 290.

The Clerk read the resolution, as follows:

Resolved, etc., That surplus amounts under any naval appropriation for the fiscal year 1946, not to exceed in the aggregate $10,000,000, may be transferred to the appropriation "Naval Reserve, 1946," for continuing the V-12 program to the end of June 1946.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. VINSON. Mr. Speaker, the Naval Affairs Committee is presenting this resolution to make available to the Navy Department $10,000,000 of unexpended funds which have already been appropriated for the Navy for the fiscal year 1946. The Rules Committee has reported a rule making this bill in order. I am, therefore, asking unanimous consent that the House consider it now.

Mr. Speaker, this bill permits the V-12 college training program and the naval ROTC program which involves some 20,000 enlisted men of the Navy to continue in their training until at least the end of June 1946. When the rescission bill was before the Congress it gave to the Navy Department the total amount called for by the recommendation of the Budget for the V-12 and the Navy ROTC program, but the Budget had cut down the amount that the Navy had requested and needed; therefore, the Congress followed the judgment of the Budget but did not follow the judgment of the Navy Department before the Budget. The result will be that in March 1946 all of these boys, some 20,000 of them, will have to leave the V-12 program and the naval ROTC colleges and will be sent to the fleet.

Lille.
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OFFICE OF BUDGET AND FINANCE 79th-1st, No. 227
Legislative Reports and Service Section

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 21, 1945, for actions of Thursday, December 20, 1945)

(For staff of the Department only)

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HIGHLIGHTS: Both Houses agreed to 2nd conference report (Garrison Dam amendment) on 1st Deficiency appropriation bill. Senate passed bill transferring fur-bearing animal activities to Agriculture and Sen. Johnson entered a motion to reconsider. Senate passed measure to permit detail of regular army officers to USDA. Rep. Kefauver introduced bill providing for a national-fertilizer program. House passed bill authorizing transfer of FSA lands to Texas. Rep. Gross commended Secretary Anderson but criticized subsidy costs. Rep. Biemiller criticized increased fruit prices. President signed reorganization bill (Dec. 20). Action completed on GI bill amendments.

HOUSE

1. FIRST DEFICIENCY APPROPRIATION BILL, 1946. Both Houses agreed to the 2nd conference report on H.R.4605 (pp. 12594-5, 12624-5, 12629-30, 12659, 12665-6). (The Garrison Dam amendment had not been agreed to by both Houses in the same form.) This bill will now be sent to the President.

2. SUBSIDIES. Rep. Gross, Pa., commended Secretary Anderson but criticized the proposed subsidy program, and inserted a Washington Post article on this subject (p. 12649).

3. FOREIGN RELIEF; FOOD SITUATION; COTTON PRICES. During his speech, "The World on Christmas of 1945," Rep. Voorhis, Calif., urged continued food production to aid foreign countries (p. 12647), and Rep. Rankin, Miss., discussed with him prices paid to farmers, mentioning specifically cotton prices (p. 12649).

4. CITRUS-FRUIT PRICES. Rep. Biemiller, Wis., criticized increased citrus-fruit prices and stated that "the OPA and the Department of Agriculture, faced with the largest citrus crops in history, underestimated the buying power and the inflationary pressures of the situation" (pp. 12649-51). Other members discussed this with him.

5. FSA LANDS. Passed without amendment S. 1471, to provide for the transfer to the Texas Rural Communities the property comprising the FSA Mexia Colony project in Limestone, Tex. (p. 12652). This bill will now be sent to the President.

6. SURPLUS PROPERTY. Rep. Fogarty, R.I., commended SPAdministrator Symington's

recommendation that veterans be given surplus-property priorities over all claimants except the Federal Government (pp. 12651-2).

7. BRITISH LOANS. Rep. Jones, Ohio, recommended a bond issue to finance the proposed loan to Gt. Britain (p. 12632).

Rep. Taber, N.Y., suggested that the request for funds to finance the proposed loan to Gt. Britain be accompanied by statements showing proposed use of such money, benefits to be derived by Gt. Britain, benefits to be derived by th U.S., international benefits, and other loans contemplated (p. 12659).

8. TAXATION. Rep. Eberharter, Pa., discussed the "Federal Tax System," and announce that he will introduce a new income-tax bill based on "an entirely fresh concep of Federal income taxation" (pp. 12652-3).

9. FISHERIES. Rep. Weichel, Ohio, criticized proposal to "give away our natural resources,...[and] the fish and fishing industry in the Great Lakes" and urged consideration of his bill H.R. 5090 on this subject (pp. 12654-6, 12668).

10. MARKETING. The Interstate and Foreign Commerce Committee submitted its final report pursuant to H.Res. 98, 79th Cong., on investigation of restriction on brand names and newsprint (H.Rept. 1467)(p. 12668).

SENATE

11. PERSONNEL. Passed with amendment S.J.Res. 113, to permit the detail of regular army officers to this Department (p. 12600).

Agreed to House amendment to S. 576, to amend the Civil Service Classification Act so as to eliminate the 1-year time limit within which incumbents of positions covered into the classificed service may be recommended for classification (p. 12625). This bill will now be sent to the President.

12. RESEARCH; ANIMAL INDUSTRY. Passed without amendment S. 566, to transfer fur-bearing animal activities to this Department (p. 12594). Sen. Johnson, Colo., entered a motion to reconsider this bill (pp. 12610, 12612-3).

13. RATIONING. Agreed without amendment to S. Res. 185, favoring the termination of rationing of butter, oleomargarine, fats, oils, and meat (p. 12597).

14. GEORGE WASHINGTON CARVER DAY. Passed as reported H.J. Res. 111, to designate Jan. 5, 1946, as George Washington Carver Day (p. 12597). The committee amendment provides for participation of universities, colleges, schools, churches, and others.

15. FLAG. Passed without amendment H.J. Res. 180, giving official recognition to th pledge of allegiance to the U.S. flag (p. 12597). This measure will now be sen to the President.

16. INTERNATIONAL ORGANIZATIONS. Passed as reported H. R. 4489, to provide privileges exemptions, etc., to international organization employees (pp. 12608-9).

17. EXPORT IMPORT BANK. Passed without amendment H.R. 4683, to authorize the Export Import Bank to extend its operations to the Philippine Islands (p. 12600). This bill will now be sent to the President.

18. BANKRUPTCY. Passed without amendment S. 343, to amend the Bankruptcy Act so as to remove the legal incompatibility between the office of U.S. Commissioner and referee in bankruptcy (pp. 12596-7).

tors, in the Missouri Valley. I was not on the conference committee. I wish to have in the RECORD an explanation of what the conferees did relative to the construction of the Garrison Dam, whether or not it is to be 1,850 feet or 1,830 feet, or what was done about it.

Mr. McKELLAR. It is not to be either.

Mr. WHERRY. That is what I am interested in.

Mr. McKELLAR. Both the House and Senate had appropriated $2,000,000 for this project; and, of course, that had to be retained, and it was retained. It can be used for the preliminary work on the dam, but not on the dam itself. It is not available for building the dam itself. The question whether the dam shall be 1,830 feet or 1,850 feet is left to the Congress in the future.

Mr. WHERRY. Then, as I understand, the agreement which was reached does not operate in any way to restrict legislation which has been passed relative to the height of the dam. If we have restricted anything, we have restricted the expenditure of funds only to the purposes set forth in the act, which are to build a townsite and some roads.

Mr. McKELLAR. Yes.

Mr. WHERRY. And in later sessions of Congress, if the moving party desires to see that the dam is constructed with a height of less than 1,850 feet, he will have the right at that time to make his presentation.

Mr. McKELLAR. The question of the height of the dam is simply postponed until a future session of the Congress.

Mr. WHERRY. Until the moving party comes in and asks that it be lowered. As I understand the agreement there is no restriction on the present legislation.

Mr. McKELLAR. There is no restriction on the present legislation, because the Congress does not act concerning it. It merely postpones the question until the next session of Congress.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF CIVIL SERVICE ACT

The PRESIDING OFFICER (Mr. HATCH in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 576) to amend the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification, which was, on page 1, line 6, strike out all after "(1)" over to and including "Commission", in line 2, page 2, and insert "upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent."

Mr. MEAD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LEGISLATIVE PROGRAM

Mr. O'MAHONEY. Mr. President, I should like to ask the Senator from Kentucky if it will be his purpose to have considered at tomorrow's session the first part of the calendar?

Mr. BARKLEY. Yes.

Mr. O'MAHONEY. Or should I ask the indulgence of the Senate at this moment?

Mr. BARKLEY. I think it will be entirely feasible. I desire some time tomorrow to call that part of the calendar ahead of what was called today, for the consideration of measures to which there is no objection.

Mr. O'MAHONEY. If that is the program, I shall not attempt to obtain action at this time.

DATE OF MEETING OF THE SECOND SESSION OF THE SEVENTY-NINTH CONGRESS

Mr. BARKLEY. Mr. President, I ask that the Chair lay before the Senate House Joint Resolution 294.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 294) fixing the date of meeting of the second session of the Seventy-ninth Congress, which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the second session of the Seventy-ninth Congress shall begin at noon on Monday, January 14, 1946.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BARKLEY. Mr. President, before the Senate votes on the joint resolution I wish to make a very brief statement. I desire to have the Senate pass upon the question so that Senators and Members of the House may know what to expect so far as the beginning of the second session of this Congress is concerned.

As we all know, under the Constitution Congress is compelled to reassemble in its annual session on the third day of January, no matter on what day of the week the third day occurs, unless by law it fixes another date. The third day of January occurs on Thursday. I have discussed the question of the time of reassembling with Members of the House in charge of such matters. My feeling was, and still is, that in the present state of public matters that Congress ought not to take a recess until the 14th of January. That means a recess of more than 3 weeks. With economic, industrial, and other conditions which have been brought to our attention as they are, and with labor questions in their present state, I had the feeling, and still have the feeling, that a recess of 2 weeks would be sufficient, and all that we would be justified in taking. I had suggested that we reconvene on the 7th or 8th of January, the 7th being Monday and the 8th being Tuesday. But the House has passed the joint resolution, providing that Congress shall reassemble on the 14th of January.

I have not changed my views on the subject. I think the country would be somewhat reassured if in these conditions Congress were here. I shall not offer any amendment to the joint resolution which has passed the House, fixing the 14th of January as the day on which the Congress shall reassemble. I hope that circumstances will not make us regret the unusually long Christmas holiday which is being taken under the joint resolution; but in order that Members may know what to depend upon, I think the Senate ought to vote on the resolution at this time, and I therefore ask for a vote.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MORSE. Mr. President, in my judgment, in the light of national conditions the Senate cannot justify taking a recess until January 14. I regret that the distinguished majority leader does not see fit to propose an amendment. I am not sure that I would be in order in proposing one orally, but if I am, I should like to offer an amendment.

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. MORSE. I move that the date of meeting of the second session of the Seventy-ninth Congress be made Tuesday, January 8, 1946.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

Mr. WHERRY. Mr. President, if we were to go through the list of Senators who might offer testimonials as to why we should not adjourn until the 14th of January, but should return on the 8th, many other Senators would endorse the remarks of the majority leader and those of the Senator from Oregon. I think it is only fair to many Senators who have expressed a similar opinion to make that statement.

It was my understanding that a canvass of the views of individual Senators would be taken, and that we would abide by the decision, and not discuss the question. But if it is a question of how some of us feel, let me say that just as many Senators on this side of the aisle as on the other side feel as the majority leader feels. I believe that that statement ought to be made a matter of record. However, we have discussed the question, and, as I understand, we came to the conclusion that the date should be the 14th of January, and that we would not debate the question. Is that correct?

Mr. BARKLEY. No; that is not accurate. There was no understanding as to whether the question should be debated. Frankly, I asked that a canvass be made on both sides of the aisle to determine whether an amendment which I contemplated offering, changing the date to January 8, would pass, and I was advised that it would not. Under those conditions, I accepted what seemed to be the inevitable, and asked that the Senate vote on the question of adjourning until the 14th of January.

I did not express the view that we should not discuss the question, because I intended to say what I have said whether any other Senator had made a statement or not.

Mr. WHERRY. Mr. President, will the Senator yield for one further observation?

Mr. BARKLEY. I yield.

Mr. WHERRY. I am not in any way criticizing the majority leader for wishing to return on the 8th of January. However, let me say for the RECORD that when the canvass was made it was with the hope, as I understood, that most Senators would favor coming back on the 14th rather than the 8th. If any Senator desires to conduct a canvass of individual views of Senators on the question, he will find that many Senators share the view of the distinguished majority leader that the Congress should return on the 8th instead of the 14th. What counts here is how they will vote. I thought I was fairly well assured that it would be useless to offer an amendment to make the date the 8th of January. Therefore I was simply satisfying myself by expressing the view that the 14th is too far off, and then I expected to let the Senate proceed to vote on the resolution.

If the situation has developed to the point of having amendments offered, I think we might as well go over until tomorrow, because a number of Senators have left the Chamber, and I do not know whether some of them would wish to offer amendments or would wish to engage in debate on the subject.

But if we engage in a controversy as to the date, of course that will involve a controversy with the House of Representatives, and in that event I think we should have a better attendance of Senators in the Chamber.

Mr. WHITE and Mr. REVERCOMB addressed the chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I yield to the Senator from Maine.

Mr. WHITE. I think one of the determining factors in this situation is the attitude of the other body. If my information is correct, the leaders of the House of Representatives and the House itself have definitely gone on record as favoring a recess of Congress until the 14th of January. I do not know what sort of wrangle we shall find ourselves in if we amend the resolution and fix some other date. In that event there might not be any recess at all before the 3d of January, and in that case this session would merge into the new session of Congress.

Personally, I feel that the Members of the House of Representatives and the Members of the Senate, with Christmas at hand and New Year's soon to follow, are entitled to a recess of 3 weeks or thereabouts; and so far as I am concerned, I personally would oppose any amendment suggesting a change in that date. I think the action of the Senate should be in accord with the action taken by the other body in this particular, and I think we can depart with clear consciences for a recess extending to the 14th of January.

Mr. BARKLEY. Mr. President, I simply wish to say that the question which arises in all our minds is whether, under the circumstances, an extra week of recess is sufficient justification for our entering into a controversy over it with the House of Representatives. Frankly, I thought there would be another conference between some of the Members of the House of Representatives and some Members of the Senate before action would be taken regarding the recess. However, that was not done. Perhaps I misunderstood. At any rate, the House of Representatives passed the resolution—and there was very little opposition in the House—containing the provision which I had originally understood would be in it.

I regret that we are faced with the necessity of either voting up or voting down a resolution which has been passed by the House of Representatives. I feel that the Members of both Houses are entitled to know as soon as possible what to rely upon in the way of a Christmas holiday. I hope we may dispose of the resolution now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

The amendment was rejected.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 294) was ordered to a third reading, read the third time, and passed.

AUTHORITY FOR PRESIDENT PRO TEMPORE TO SIGN BILLS

Mr. BARKLEY. I ask unanimous consent that the President pro tempore of the Senate be authorized to sign enrolled bills after the recess of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE OF FATHERS FROM THE ARMED FORCES

Mr. BARKLEY. Mr. President, let me say——

Mr. REVERCOMB. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. I thought the Senator from Kentucky had finished.

Mr. BARKLEY. No; but I am getting ready to finish if I can. I know what is in the Senator's mind; he desires to get before the Senate a motion to which he heretofore animadverted, proposing to discharge the Committee on Military Affairs from the further consideration of a certain measure.

Mr. REVERCOMB. Yes; I have made the attempt several times.

Mr. BARKLEY. I thought that if we were to have a session tomorrow, the Senator would not push for consideration of the matter this afternoon. I do not wish to have the matter taken up in the absence of the chairman of the Committee on Military Affairs and the Senator from Alabama [Mr. HILL], who has had much to do with it. I hope the Senator from West Viriginia will defer his motion on the subject until tomorrow, because the chances are that the Senate will be in session all day tomorrow.

Mr. REVERCOMB. Mr. President, will the Senator yield to me now?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. Let me say that for the last 3 days I have tried to get before the Senate the resolution providing that the Committee on Military Affairs be discharged from further consideration of the measure I have mentioned. My efforts to make the motion have been blocked every time by parliamentary procedure, with control in the hands of the then acting majority leader.

This afternoon I was assured by the Senator who then occupied the chair that I would be recognized, so as to have an opportunity to present my motion that the Senate take up the resolution.

Now I am asked by the majority leader not to bring it up. Let me say to him that if he will assure me that I will have the opportunity tomorrow to present to the Senate a motion to call up the resolution, Senate Resolution 207, dealing with facilitating the discharge of fathers from the armed services—if I may have that agreement and assurance from the Senator—I shall not make the motion at this time.

Mr. BARKLEY. Let me say to the Senator in regard to his understanding with the Member of the Senate who occupied the chair when the Senator advanced toward the rostrum and sought an agreement, in advance, that he would be recognized, that that very procedure illustrates the vice of such a practice, namely, that a Senator can have a private understanding with the Chair that at a certain time he is to be recognized——

Mr. REVERCOMB. It was not to be at a certain time.

Mr. BARKLEY. But the Senator could not know what other matters would be likely to come up.

I have come to the Chamber from attendance at the hearings of the Pearl Harbor Investigating Committee. I left those hearings and came to the Senate Chamber so as to be here at the time when the nominations on the Executive Calendar were presented and considered in executive session. I wished to be here when the Senate disposed of the nominations, because I had been told—but probably erroneously—that there was to be an extended debate. There was, but it did not arise from the source from which I expected it at the time when I was notified to be in the Chamber. [Laughter.]

However, let me say that I cannot guarantee to the Senator that he will be recognized tomorrow. I will say that so far as I am concerned I shall be glad to cooperate with the Senator to the end that he will be recognized by whoever is in the chair tomorrow, so as to have an opportunity to make any sort of motion he desires to make.

Mr. REVERCOMB. That is not very satisfactory. I have been on my feet constantly, today, seeking to be recognized by the Chair, but I have failed in that effort.

Mr. BARKLEY. Yes; and I know other Senators who have been on their feet for weeks and months and still have failed to be recognized.

Mr. REVERCOMB. I realize that, but I am not one who likes to be subjected to such treatment when I am trying to present an important measure.

Mr. BARKLEY. I wish to say that I have no purpose to thwart the Senator

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[PUBLIC LAW 283—79TH CONGRESS]

[CHAPTER 603—1ST SESSION]

[S. 576]

AN ACT

To amend the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such Act may be recommended for classification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of subsection (a) of section 2 of the Act entitled "An Act extending the classified executive civil service of the United States", approved November 26, 1940 (54 Stat. 1212), is amended to read as follows: "(1) upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service;".

Approved December 28, 1945.